

Right of a citizen to drive on a public street with freedom from police interference.

Under the constitutional guarantee of liberty one may, under normal conditions, move at his or her own inclination along the public highways or in public places, and while conducting himself or herself in an orderly and decent manner, neither interfering with nor disturbing another's rights, one will be protected, not only in his or her person, but in his or her safe conduct.¹ For example, the right of a citizen to drive on a public street with freedom from police interference, unless he or she is engaged in suspicious conduct associated in some manner with criminality, is a fundamental constitutional right.² However, the liberty of each individual in a public vehicle or public place is subject to reasonable limitations in relation to the rights of others.³ 16A Am. Jur. 2d Constitutional Law § 624. "Rights in public vehicles and places for purposes of liberty interest of Due Process Clause" 2021 Update.

A "public vehicle" is defined as "[a] vehicle seeking employment from the general public." Webster's New International Dictionary 2005 (2d ed. 1956). A "public vehicle" is a for hire vehicle. State law implicates the constitutional right to travel when it actually deters such travel, when impeding travel is its primary objective, or when it uses any classification which it serves to penalize exercise of that right. 8 16A Am. Jur. 2d Constitutional Law § 623. 2021 Update. Update. If a constitutional provision has received a settled judicial interpretation and is incorporated into a new constitution, it will be presumed to have been retained with knowledge of the previous construction and courts will be bound to adhere thereto.² 16 Am. Jur. 2d Constitutional Law § 90 2021 Update. Conversely, the failure of the legislature to act cannot take away a right constitutionally granted.⁹ 16 Am. Jur. 2d Constitutional Law § 102. 2021 Update.

A state may lawfully exercise its police power to protect the public health, safety, welfare, and morals by promulgating laws and regulations that reasonably regulate occupations.¹ However, an overbroad statute violates substantive due process by depriving a person of a constitutionally protected interest through means which are not rationally related to a valid state objective because it sweeps unnecessarily broadly.² The right of an individual to engage in any of the common occupations of life is among the several fundamental liberties protected by the Due Process and Equal Protection Clauses of the 14th Amendment.³ However, neither the federal nor any state constitution secures to any person the liberty to conduct a business so as to injure the public at large or any substantial group.⁴ A statute constitutionally can prohibit an individual from practicing a lawful profession only for reasons related to the individual's fitness or competence to practice that profession. ⁵ Before the police power of the state is used to prohibit the conduct of an individual as unprofessional, offending actions that do not fall clearly within the scope of the proscription must be explicitly defined as wrongful.⁶ 16A Am. Jur. 2d Constitutional Law § 356 Regulation of occupations pursuant to police power, generally. 2021 Update